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**From:** Joyce Allen, Director, Bureau of Mental Health and Substance Abuse Services  
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**Statewide Individual Provider Status Variance for Certified Outpatient Mental Health Clinics**

The mental health clinic standards found in §§ HFS 61.91-61.98 itemize the requirements for the certification of outpatient psychotherapy clinics. Within the code, §§ HFS 61.96(1)(b), 61.96(2) and 61.96(3) contain the requirements for mental health professionals who may be employed in the clinic. This variance clarifies which prospective individuals considered for employment by certified mental health clinics need to submit the educational and experience requirements found in s. HFS 61.96(3) when they are concurrently approved by the Department of Regulation and Licensing (DRL) under 2001 WI Act 80.

**Passage of 2001 WI Act 80**

2001 Wisconsin Act 80 was enacted April 17, 2002 and published on May 1, 2002. Wisconsin Act 80 granted licensure status to Marriage and Family Therapists, Professional Counselors and Social Workers through the DRL. These professionals were previously "certified" by DRL.

Wisconsin Act 80 licensure standards promulgated through the administrative code for social workers, professional counselors, and marriage and family therapists (Chapter MPSW 3, Chapter MPSW 11, and Chapter MPSW 16) closely match requirements previously established in s. HFS 61.96 and monitored by DHFS through the "Individual Provider Status" application process. Currently, licensed psychotherapists must complete duplicative credential review steps in order

to qualify for Medicaid reimbursement for services they deliver in certified outpatient mental health clinics. The Department of Health and Family Services will, effectively immediately, extend a variance to all clinics whose current and prospective staff possess the DRL license issued under WI Act 80 and as outlined below.

### **The Variance and To Whom It Applies**

Individuals licensed by DRL in the following categories meet the individual provider status requirements. As such they no longer need to complete the individual provider status credential review process.

- Chapter MPSW 3;
- Chapter MPSW 11;
- Chapter MPSW 16; or

**Exception:** Social workers, professional counselors, and marriage and family therapists who possess a temporary license granted by DRL in the same category, but who have not taken and passed the exam, are also exempted from the provider status credential review process.

### **To Whom the Variance Does Not Apply**

While the variance applies to certain individuals approved under WI Act 80, it does not apply to all. These include:

- Licensed professional counselors who do **not** meet the HFS 61.96 (3) requirement for 3,000 hours of supervised experience in clinical practice. As such, they are not eligible for Medicaid reimbursement.
- Individuals who remain certified by DRL as a Social Worker, Advanced Practice Social Worker or Independent Social Worker.
- Individuals who are not eligible for DRL psychotherapist licensure, but comply with HFS 61.96(1)(b) and 61.96(2).

The individual provider status credential review process will continue for masters prepared psychiatric nurses, persons with course work in clinical psychology, psychology, school psychology, counseling and guidance, or counseling psychology, and other mental health professionals that meet the requirement under HFS 61.96(2).

### **Required Clinic Follow Up**

Each State certified clinic shall maintain a current list of all qualified licensed personnel identified under HFS 61.96 and have that list readily available for Department staff during

unannounced inspections or annual clinic review. All other prospective therapists must continue to follow the existing individual provider status application process.

For questions regarding this variance, contact Mark Hale at 608-243-2087, email [halemd@dhfs.state.wi.us](mailto:halemd@dhfs.state.wi.us).

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